

Administrative Law Judge. The Clerk responded by advising Plaintiff that the Clerk could not furnish legal advice and advising her that she must comply with the federal rules in presenting any pleading to the court. On February 5, 2008, Defendant moved to dismiss the action for Plaintiff's failure to prosecute this action by filing a dispositive motion in accordance with the Clerk's letter of October 17, 2007. On August 5, 2008, Plaintiff was advised of her opportunity to respond to the motion to dismiss and of the fact that the motion could be granted if she failed to respond. Plaintiff filed no response.

Defendant's motion to dismiss for lack of prosecution is before the Court and is unopposed by Plaintiff. On review, and for reasons stated by Defendant in its Memorandum of Law (Docket No. 11), the undersigned finds and concludes that the motion to dismiss should be granted. Plaintiff has not responded to the motion to dismiss despite its pendency for more than a year. Plaintiff has not prosecuted this action in accordance with the federal rules or the instructions of this court.

Accordingly, **IT IS RECOMMENDED** that this action be dismissed for lack of prosecution pursuant to Rule 41(b).

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: May 13, 2009